

Effective December 24, 2019, Env-Wt 305.02 reads as follows:Env-Wt 305.02 Applicability.

(a) Subject to (b)-(f), below, this chapter shall apply as of December 15, 2019 to any person who undertakes or proposes to undertake any dredge, fill, or construction activities, or any combination thereof, in a jurisdictional area.

(b) The approval criteria in this chapter shall apply to:

(1) Any application filed on or after December 15, 2019; and

(2) Any application filed prior to December 15, 2019 that is not complete, as determined under Env-Wt 310.02 or Env-Wt 312.02, as applicable, as of December 15, 2019, regardless of when the completeness determination is made.

(c) NH DOT projects that qualify for a statutory permit by notification (SPN) or the registration process established in Env-Wt 309.03 through Env-Wt 309.05 but have not been initiated prior to December 15, 2019 shall be undertaken pursuant to the requirements of this chapter.

(d) NH DOT projects for which an application has been filed prior to December 15, 2019 shall be subject to the design, approval, and construction criteria in effect on the date of filing, provided the application is complete within 6 months of December 15, 2019, regardless of when the completeness determination is made.

(e) If NH DOT believes that one or more projects in the planning stages for which an application has not been filed as of December 15, 2019 should be subject to the design, approval, and construction criteria in effect prior to December 15, 2019, NH DOT shall submit a list in writing to the department of all such projects, that includes for each project:

(1) The location of the proposed project;

(2) A brief description of the project and the purpose of the project, outlining the anticipated scope of work to be performed and whether impacts are expected to be temporary or permanent;

(3) The anticipated dates on which:

a. An application for the project will be filed; and

b. The project will be advertised to bid; and

(4) The specific requirements in the 2019 rules that are not practicable to comply with and for each, the reason(s) why compliance is not practicable.

(f) If NH DOT submits a list pursuant to (e), above, the department shall consult with NH DOT to reach a mutual agreement regarding the design features or other aspects of each project that are not practicable to redesign or otherwise change to meet the requirements of the 2019 rules and so will be subject to the rules in effect prior to December 15, 2019.

(g) For each project submitted by NH DOT, the agreement reached pursuant to (f), above, shall be memorialized in writing signed by authorized officials of the department and NH DOT.

(h) NH DOT shall submit a copy of the signed agreement required by (g), above, with the relevant application so that the agreement becomes part of the public file.

Effective December 24, 2019, Env-Wt 306.02 intro reads as follows:

Env-Wt 306.02 Activities Eligible For a Lower Scrutiny Approval (LSA). Any project classified as minimum impact and listed in Env-Wt 309.06(a) shall be eligible to apply for a lower scrutiny approval (LSA) as authorized by RSA 482-A:11, VI-a or VII and as described in Env-Wt 309 unless:

Effective December 24, 2019, Env-Wt 307.08(a) is cited and reads as follows:

Env-Wt 307.08 Protection of Designated Prime Wetlands and Duly-Established 100-Foot Buffers.

(a) Water quality and environmental minimization measures shall be in place to ensure that functions and values of designated prime wetlands and duly-established 100-foot buffers are protected.

Effective December 24, 2019, Env-Wt 308.05(a)(2)a. is cited and reads as follows:

Env-Wt 308.05 Activation of an SPN.

(a) (2) a. The DataCheck identification number and an affirmation that recommendations have been received; and

Effective December 24, 2019, the heading of Env-Wt 308.07 reads as follows:

Env-Wt 308.07 Post-Work Notification Requirements for SPNs other than Utility Project SPNs.

Effective December 24, 2019, Env-Wt 308.08(b) is cited and reads as follows:

Env-Wt 308.08 Conditions for SPNs. ...

(b) Any work done in shoreland covered by RSA 483-B, the shoreland water quality protection act, shall comply with all applicable conditions established therein; and

Effective December 24, 2019, Env-Wt 309.01(b)(2) and (b)(3)c. read as follows:

(b)...(2) Routine roadway maintenance activities that may be undertaken provided a registration is filed and the conditions specified in Env-Wt 309.03 through Env-Wt 309.05 are met; and

(3)...c. Qualify for a PBN as specified in Env-Wt 309.06 through Env-Wt 309.10.

Effective December 24, 2019, Env-Wt 309.02(i)(6) is cited and reads as follows:

Env-Wt 309.02 Projects Conditionally Authorized By Rule. ...

(i)...(6) No work is done in bogs, marshes, tidal wetlands, designated prime wetlands, a duly-established 100-foot buffer, or in surface waters except as provided in (5), above;

Effective December 24, 2019, Env-Wt 309.03(c)(1) is cited and reads as follows:

Env-Wt 309.03 Registrations for Routine Roadway Maintenance Activities. ...

(c)...(1) In or adjacent to designated prime wetlands;

Effective December 24, 2019, Env-Wt 309.04(c)(1) is cited and reads as follows:

Env-Wt 309.04 Information Required for Routine Roadway Maintenance Registrations.

(c)...(1) The name, mailing address, and web site URL, if any, of the person responsible for the activity and, if the person is other than an individual, the name, daytime telephone number including area code, and e-mail address of an individual who will serve as the person's point of contact for the activity;

Effective December 24, 2019, Env-Wt 309.05 reads as follows:

Env-Wt 309.05 Processing of Routine Roadway Maintenance Registrations.

(a) As of December 24, 2019, the department shall review a routine roadway maintenance (RRM) registration for completeness within 2 working days of receipt as provided in this section.

(b) If the RRM registration does not contain all information and certifications required by Env-Wt 309.04, the department shall:

- (1) Disqualify the RRM registration; and
- (2) Within 2 working days of disqualifying the RRM registration, post a notice of disqualification for the project that includes the reason(s) for the disqualification on its website.

(c) The department shall review a complete RRM registration for compliance with all applicable requirements within 2 working days of determining the registration is complete.

(d) Within 4 working days of receiving a complete RRM registration, the department shall:

- (1) If the registration complies with applicable requirements, post a notice of completeness for the project on its website; or
- (2) If the project covered by the RRM registration does not comply with applicable requirements, then:
 - a. Disqualify the registration; and
 - b. Within 2 working days of disqualifying the RRM registration, post a notice of disqualification for the project that includes the reason(s) for the disqualification on its website.

(e) If a RRM registration was denied because it was incomplete and the registrant wishes to proceed under a RRM registration, the registrant shall submit a new registration for an RRM in accordance with Env-Wt 309.04.

(f) If a RRM registration was denied because the proposed project did not comply with applicable requirements and the registrant wishes to proceed, the registrant shall file:

- (1) An RRM registration for a project that has been modified to conform to applicable requirements; or
- (2) An application for a PBN under Env-Wt 309.06, an EXP under Env-Wt 310, or a standard permit under Env-Wt 311.

Effective December 24, 2019, Env-Wt 309.06 intro, (a) intro, (a)(9), and (a)(18)-(20) are cited and read as follows:

Env-Wt 309.06 Availability of Permit-by-Notification (PBN). Any person intending to undertake activities in a jurisdictional area may do so under a PBN as authorized by RSA 482-A:11, VI if the project is:

(a) A minimum impact project that is:

...

(9) Repair of an existing legal wall that complies with Env-Wt 514.07(a)(3);

...

(18) Repair of an existing legal tier 1 or tier 2 stream crossing that complies with Env-Wt 903.01(e)(2);

(19) Repair of an existing legal tier 3 stream crossing that complies with Env-Wt 903.01(e)(3);

(20) Replacement of an existing legal tier 1 stream crossing that complies with Env-Wt 903.01(e)(4); and

Effective December 24, 2019, Env-Wt 309.07 intro, (a), (b)(1), and (b)(6) are cited and read as follows:

Env-Wt 309.07 PBN Application Requirements. To obtain a PBN, the applicant shall submit to the department the following, on or with a PBN Application, NHDES W-06-27, dated December 15, 2019:

(a) The applicant's name, mailing address, and daytime telephone number including area code;

- (b)...(1) The location of proposed project by street address, tax map and lot number, and latitude and longitude as D.ddddd;

...

- (6) The results and identification number of the investigations required by Env-Wt 306.05;

Effective December 24, 2019, Env-Wt 309.07 (f)-(i) read as follows:

(f) As of December 24, 2019, a statement signed by the town or city clerk of the municipality in which the property is located or, if the property is located in more than one municipality, by the city or town clerk of each such municipality, certifying that the municipality has received 4 copies of the application including all attachments;

(g) A signed statement by the county conservation district or certified wetland scientist, if required by the appropriate minimum impact project rule, certifying compliance with all conditions of that rule;

(h) A signed statement from the conservation commission or, if there is no conservation commission, the local governing body, certifying that the municipality waives its right to intervene on the project; and

(i) A signed statement from the LAC, if the project is within LAC jurisdiction, certifying that the LAC waives its right to intervene on the project.

Effective December 24, 2019, Env-Wt 309.08 (b) and (e) are cited and read as follows:

Env-Wt 309.08 PBN Review Procedures.

(b) If the PBN application does not contain all information and certifications required by Env-Wt 309.07, the department shall deny the application and notify the applicant of the reason(s) for the denial in writing within 4 working days of receipt of the application.

(e) If an application was denied because it was incomplete and the applicant wishes to proceed under a PBN, the applicant shall submit a new application for an PBN as specified in Env-Wt 309.07.

Effective December 24, 2019, Env-Wt 309.09(b) is cited and reads as follows:

Env-Wt 309.09 Conditions for PBNs.

(b) Subject to Env-Wt 309.10, after the completion of work authorized by a PBN no other work that would require any permit or other authorization under RSA 482-A or subtitle Env-Wt shall be undertaken on the subject property pursuant to another PBN or EXP, or pursuant to an SPN, for a period of 12 months from the date the PBN was issued.

Effective December 24, 2019, Env-Wt 310.01 intro, (a), (b)(1), and (b)(7) are cited and read as follows:

Env-Wt 310.01 EXP Submission Requirements. To obtain an EXP, the applicant shall submit to the department the following, on or with an EXP Application, NHDES W-06-012, dated December 15, 2019:

(a) The name, mailing address, and daytime telephone number including area code of the applicant, the applicant's agent if any, and each owner of the subject property if the applicant does not own the property;

- (b)...(1) The location of proposed project by street address, tax map and lot number, and latitude and longitude as D.ddddd;

- (7) Whether the proposed project location is:

- a. In a PRA; or
- b. Within a designated river corridor; and

Effective December 24, 2019, Env-Wt 310.01 (f)-(i) read as follows:

(f) As of December 24, 2019, a statement signed by the town or city clerk of the municipality in which the property is located or, if the property is located in more than one municipality, by the city or town clerk of each such municipality, certifying that the municipality has received 4 copies of the application including all attachments;

(g) A signed statement by the county conservation district or certified wetland scientist, where required by the appropriate minimum impact project rule, certifying compliance with all conditions of that rule;

(h) A signed statement from the municipal conservation commission or, if there is no conservation commission, the local governing body, certifying that the municipality waives its right to intervene on the project; and

(i) A signed statement from the LAC, if the project is within LAC jurisdiction, certifying that the LAC waives its right to intervene on the project.

Effective December 24, 2019, Env-Wt 310.02 reads as follows:Env-Wt 310.02 EXP Review Procedures.

(a) The department shall review the application for an EXP for completeness and compliance with applicable department rules within 30 calendar days of receipt if the application has been signed as required by Env-Wt 310.01(h) and (i).

(b) If the application is complete, complies with applicable requirements, and has the signed statements required by Env-Wt 310.01(h) and (i), the department shall issue an EXP and post the information on its website within one working day of determining that the application was complete and in compliance with all applicable requirements.

(c) If the application is lacking anything other than the signed statements required by Env-Wt 310.01(h) and (i) and the project qualifies for an EXP, the department shall send a written notice to the applicant that:

(1) Identifies each item that is missing; and

(2) Informs the applicant that in order to proceed under the EXP, the applicant shall submit all necessary information within 20 days of the date of the notice or the application will be denied.

(d) If the applicant receives a notice as described in (c), above, and wishes to proceed under a EXP, the applicant shall submit a revised application for an EXP that provides all of the required information within 20 days of the date of the notice.

(e) If the applicant does not submit all necessary information to the department within 20 days of the date of a notice sent pursuant to (c), above, the department shall deny the EXP.

(f) If the project proposed in the EXP application does not comply with applicable requirements, the department shall deny the application and notify the applicant in writing of the reason(s) for the denial.

(g) If the applicant wishes to proceed with the project, the applicant shall file:

(1) An EXP application for a project that has been modified to conform to applicable requirements; or

(2) An application for a standard permit as specified in Env-Wt 311.

(h) If the application was complete except for one or both of the signed statements required by Env-Wt 310.01(h) and (i), the application shall be processed under the application processing times established in RSA 482-A:3, XIV.

Effective December 24, 2019, Env-Wt 310.05(a)(1) is cited and reads as follows:

Env-Wt 310.05 Applications for SMMD Permits.

- (a)...(1) The applicant's name, mailing address, and e-mail address or daytime telephone number including area code;

Effective December 24, 2019, Env-Wt 310.07(a)(1) is cited and reads as follows:

Env-Wt 310.07 Issuance of SMMD Permit.

- (a)...(1) Submits a complete application as specified in Env-Wt 310.05(a); and

Effective December 24, 2019, Env-Wt 311.04 intro, (a)-(d), (f), and (g)(13) are cited and read as follows:

Env-Wt 311.04 Application Information. The applicant shall provide the following information on the wetlands standard permit application, NHDES W-06-012, dated December 15, 2019:

- (a) Applicant name, mailing address, email address, fax number, and telephone number including area code, and authorization for the department to communicate by email;
- (b) If the applicant is not the owner of the property, the information required by (a), above, for each property owner;
- (c) Authorized agent name, company name, mailing address, email address, fax number, and telephone number including area code, and authorization to communicate by email;
- (d) Signatures as required by Env-Wt 311.11;
- ...
- (f) Town or city clerk signature;
- (g)...(13) Designated prime wetland or duly-established 100-foot buffer of a designated prime wetland;
- ...

Effective December 24, 2019, Env-Wt 311.05(a)(2) and (a)(20) are cited and read as follows:

Env-Wt 311.05 Required Project Plans.

- (a)...(2) Except for the department of transportation, if the applicant has not yet acquired an enforceable proprietary interest in the property, the name of each owner of the subject property as of the date the application is prepared;
- (20) If the project proposes the subdivision of land, the location of all proposed lot lines on one or more plans stamped by a land surveyor licensed pursuant to RSA 310-A;

Effective December 24, 2019, Env-Wt 311.06(b) intro and (f)(1) are cited and read as follows:

Env-Wt 311.06 Maps and Other Attachments. ...

- (b) Dated and labeled color photographs that:
- (f)...(1) Identifies the county registry of deeds and book and page numbers of all of the easements or other recorded instruments that provide the necessary legal interest; and

Effective December 24, 2019, Env-Wt 311.07(d) is cited and reads as follows:

Env-Wt 311.07 Demonstration of Avoidance and Minimization.

(d) In lieu of a written narrative, the applicant may submit a completed “Avoidance and Minimization Checklist” dated December 15, 2019, NHDES W-06-050.

Effective December 24, 2019, Env-Wt 311.08(a)(1)a. is cited and reads as follows:

Env-Wt 311.08 Required Information for Projects with Compensatory Mitigation. ...

- (a)...(1)...a. A baseline documentation report that describes current property conditions and includes color photographs that have been taken in the absence of snow cover that clearly and accurately show the nature and condition of the buffer area; and

Effective December 24, 2019, Env-Wt 311.09(c) intro and (5) are cited and read as follows:

Env-Wt 311.09 Required Resource-Specific Information.

(c) For projects within the protected shoreland as defined by RSA 483-B, the applicant also shall provide the following:

...

- (5) The total disturbed area within the protected shoreland.

Effective December 24, 2019, Env-Wt 311.10(a) intro, (b)(1), and (e) are cited and read as follows:

Env-Wt 311.10 Functional Assessment.

(a) Subject to (d) and (e), below, the functional assessment required by Env-Wt 311.03(b)(10) for minor or major projects impacting non-tidal wetlands, vernal pools, and watercourses shall be: ...

- (b)...(1) Performed by a qualified coastal professional as defined in Env-Wt 602; and

(e) For a shoreline structure over inland surface waters that are not vegetated wetlands, in lieu of (a) through (d), above, the applicant shall submit a statement describing how the project’s design meets applicable project-specific rules for the proposed shoreline structure and its proposed location.

Effective December 24, 2019, Env-Wt 311.11 intro and (d)-(g) are cited and read as follows:

Env-Wt 311.11 Required Signatures and Certifications. Any notice, registration, or application required to be filed under this chapter shall be signed, dated, and certified as follows:

...

(d) As of December 24, 2019, if the applicant is not the owner of the property, each property owner also shall sign and date the application provided that property owner signatures shall not be required for transportation projects adjacent to existing rights-of-way where an easement will be obtained prior to the start of construction;

- (e) Each signature provided pursuant to (a)-(c), above, shall constitute certification by the signer that:

- (1) To the best of the signer’s knowledge and belief, all required notifications have been provided;
- (2) The information submitted on or with the application is true, complete, and not misleading to the best of the signer’s knowledge and belief; and
- (3) The signer understands that:
 - a. The submission of false, incomplete, or misleading information constitutes grounds for the department to:
 1. Deny the application;

2. Revoke any approval that is granted based on the information; and

3. If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to practice in New Hampshire, refer the matter to the joint board of licensure and certification established by RSA 310-A:1; and

b. The signer is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641;

(f) As of December 24, 2019, each signature provided pursuant to (d), above, shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing; and

(g) Each signature provided pursuant to (a), (b), and (d), above, shall constitute authorization for the municipal conservation commission and the department to inspect the site of the proposed project, except for minimum impact forestry SPN projects and minimum impact trail projects, where the signature shall authorize only the department to inspect the site pursuant to RSA 482-A:6, II.

Effective December 24, 2019, Env-Wt 312.04(b)(1) is cited and reads as follows:

Env-Wt 312.04 Complete Mitigation Proposal Components. ...

(b)...(1) A baseline documentation report that describes current property conditions and includes color photographs that have been taken in the absence of snow cover that clearly and accurately show the nature and condition of the buffer area;

Effective December 24, 2019, Env-Wt 313.03(b)(9) is cited and reads as follows:

Env-Wt 313.03 Avoidance and Minimization.

(b)...(9) The project avoids and minimizes adverse impacts to stream channels and the ability of such channels to handle runoff of waters.

Effective December 24, 2019, Env-Wt 313.05(b) is cited and reads as follows:

Env-Wt 313.05 Processing of Related Wetlands and Shoreland Permit Applications.

(b) As of December 24, 2019, concurrently filing the applications with a request to process the applications together shall constitute:

(1) A waiver by the applicant of the shorter time frame, if application processing timelines are different for each permit program under the 2 statutes and their implementing rules; and

(2) Agreement by the applicant that any request for additional information by the department under either or both statutes shall affect the review timeframe of both applications being processed together.

Effective December 24, 2019, Env-Wt 314.06(b)(1) is cited and reads as follows:

Env-Wt 314.06 Permit Transfers.

(b)...(1) The name, mailing address, and daytime telephone number including area code of the transferee and, if available, an e-mail address for the transferee;

Effective December 24, 2019, Env-Wt 315.02(b)(2) is cited and reads as follows:

Env-Wt 315.02 Emergency Authorizations for Private Property.

(b)...(2) The name and daytime telephone number including area code of the individual requesting the authorization, and, if available, an e-mail address and fax number for that individual;

Effective December 24, 2019, Env-Wt 315.03(b)(1) is cited and reads as follows:

Env-Wt 315.03 Emergency Authorizations for Repairs to Public Infrastructure.

- (b)...(1) The name of the public agency and the name and daytime telephone number including area code of a contact individual, and, if available, an e-mail address and fax number for that individual;

Effective December 24, 2019, Env-Wt 315.05(b)(2) and (c)(1) are cited and read as follows:

Env-Wt 315.05 Work During Emergencies Without Prior Authorization.

- (b)...(2) The name and daytime telephone number including area code of the individual reporting the information, and, if available, an e-mail address and fax number for that individual;
- (c)...(1) The name of the public agency and the name and daytime telephone number including area code of a contact individual, and, if available, an e-mail address and fax number for that individual;

Effective December 24, 2019, Env-Wt 406.01(d)(1) & (2) are cited and read as follows:

Env-Wt 406.01 References for Delineation of Wetlands Boundaries.

- (d)...(1) “Identifying and Documenting Vernal Pools in New Hampshire”, 3rd Ed., 2016, published by NHF&G and available as noted in Appendix B; or
- (2) The US ACE “Vernal Pool Assessment” draft guidance dated 9-10-2013 and form dated 9-6-2016, Appendix L of the USACE New England District Compensatory Mitigation Guidance, available as noted in Appendix B.

Effective December 24, 2019, Env-Wt 406.06(c) is cited and reads as follows:

Env-Wt 406.06 Classification of Wetlands.

- (c) For major and minor projects with permanent impacts to any watercourse, each watercourse shall be classified in accordance with Applied River Morphology, 2nd edition, 1996, available as noted in Appendix B.

Effective December 24, 2019, Env-Wt 407.04(c)(3) Table 407-2 is cited and reads as follows:

Env-Wt 407.04 Project-Type Exceptions (PTEs).

- (c)...(3)...

Table 407-2: Classification Criteria For Specified Projects

Type of Project	Classification Criteria Specified In
Aquatic vegetation control	Env-Wt 510
Water access structures	Env-Wt 511
Breakwaters	Env-Wt 512
Docking structures and accessory docking structures	Env-Wt 513
Bank stabilization	Env-Wt 514
Dug-in basins/boat houses	Env-Wt 515
Trails, paths, and boardwalks	Env-Wt 517
Ponds	Env-Wt 519
Forestry	Env-Wt 520
Utility projects	Env-Wt 521
Agriculture	Env-Wt 522
Non-tidal Dredging	Env Wt 523
Dams	Env-Wt 526

Type of Project	Classification Criteria Specified In
Tidal projects including tidal docks, tidal dredging, tidal bank stabilization, sand dunes, coastal lands, and beach maintenance projects	Env-Wt 600
Stream crossings	Env-Wt 900

Effective December 24, 2019, Env-Wt 511.01(a)(3) is cited and reads as follows:

Env-Wt 511.01 Applicability; Definitions.

- (a)...(3) Repair, replace, or maintain an existing legal water access structure.

Effective December 24, 2019, Env-Wt 511.04(a), (c), (f) intro, and (g) intro are cited and read as follows:

Env-Wt 511.04 Water Access Structure Design Requirements. ...

(a) Wherever hardened shorelines exist, whether due to naturally-occurring stones, installed rip-rap, or constructed retaining walls, construction of a water access structure shall be landward and above the hardened shoreline;

...

(c) Where hardened shorelines do not exist, water access surfaces shall be located at an elevation at least 12 inches landward of the normal high water line or ordinary high water mark, as applicable;

...

(f) Steps for access to and from a water access structure shall: ...

(g) Stairs constructed to and from a water access structure shall: ...

Effective December 24, 2019, Env-Wt 511.06(c) is cited and read as follows:

Env-Wt 511.06 Water Access Structure Construction Project Classifications.

(c) Construction of a deck or patio shall be a minor impact project if:

(1) The project complies with (a)(1) through (4), above; and

(2) The aggregate area impacted by water access structures is 250 SF or greater but does not exceed 500 SF.

Effective December 24, 2019, Env-Wt 511.08(a)(1) is cited and reads as follows:

Env-Wt 511.08 Deck or Patio Repair Project Classifications.

(a)...(1) The deck or patio is an existing legal structure; and

Effective December 24, 2019, Env-Wt 513.04(a)(1) is cited and reads as follows:

Env-Wt 513.04 Approval Criteria for Permanent Docking Structures.

(a)...(1) The proposed permanent dock will be located on a surface water body of over 1,000 acres; and

Effective December 24, 2019, Env-Wt 513.10(e) is cited and reads as follows:

Env-Wt 513.10 Setback Requirements for Docking Structures.

(e) The standard configuration for a docking structure in a watercourse shall be parallel to the shoreline. If the applicant wishes to have other than the standard configuration, the application shall include an explanation of the reason(s) for the proposed alternative based on the factors listed in (d)(1), above.

Effective December 24, 2019, Env-Wt 514.03(c)(7) is cited and reads as follows:

Env-Wt 514.03 Application Requirements for All Bank/Shoreline Stabilization Projects. ...

- (c)...(7) Engineering plans for rip-rap in excess of 100 LF along the bank or bed of a watercourse, including in-stream revetments, stamped by a professional engineer; and

Effective December 24, 2019, Env-Wt 514.05(e) is cited and reads as follows:

Env-Wt 514.05 Construction Requirements for All Bank/Shoreline Stabilization Projects. ...

(e) Where there is documented occurrence of a cold water fishery or protected species or habitat, unless a waiver of this condition is issued in writing by the department in consultation with NH F&G, work shall occur:

- (1) During low-flow or dry conditions during the growing season; and
- (2) Prior to October 1;

Effective December 24, 2019, Env-Wt 514.07(a)(2) is cited and reads as follows:

Env-Wt 514.07 Bank Stabilization Construction Project Classification.

- (a)...(2) Any soft vegetative bank stabilization, bioengineered bank stabilization, or semi-natural form of less than 200 LF designed by a professional engineer on any size watercourse, when the applicant participates in a pre-design submittal meeting with department wetland bureau staff and the application is submitted through the minimum impact expedited review process; and

Effective December 24, 2019, Env-Wt 517.04(b) is cited and reads as follows:

Env-Wt 517.04 Design and Construction Requirements for Trail and Pathway Projects. ...

- (b) Maintain pathways no more than 20 feet wide; and

Effective December 24, 2019, Env-Wt 518.07(a)(2) & (3) is cited and reads as follows:

Env-Wt 518.07 Classification of Non-Docking Structure Projects.

- (a)...(2) A minor project for projects impacting 3,000 SF or more but less than 10,000 SF total area; and
- (3) A major project for projects impacting 10,000 SF or greater total area or located in a PRA.

Effective December 24, 2019, Env-Wt 520.05(a)(1)d., (b)(2), and (c)(1) & (2) are cited and read as follows:

Env-Wt 520.05 Forestry Project Classification.

- (a)...(1)...d. Each road crossing is no more than 15 feet wide;
- (b)...(2) The project exceeds 3,000 SF per crossing for other than corduroy crossings but does not exceed 10,000 SF per crossing of permanent wetland impacts.
- (c)...(1) The project proposes permanent impacts in excess of the size limits for a minor project;
- (2) The project proposes impacts to a bog, marsh, sand dune, tidal wetlands, or undisturbed tidal buffer zone; or

Effective December 24, 2019, Env-Wt 524.04 reads as follows:

Env-Wt 524.04 Design Requirements for Residential, Commercial, and Industrial Development Projects. In addition to meeting the applicable design requirements established in Env-Wt 300, a residential, commercial, or industrial development project in non-tidal wetlands shall be designed to meet the following criteria:

- (a) The project complies with all applicable requirements of Env-Wt 400, Env-Wt 700, Env-Wt 800, Env-Wt 900, and other applicable project-specific criteria in this chapter;
- (b) The project does not use wetlands or surface waters to serve as stormwater or water quality treatment to mitigate impacts;
- (c) The project provides setbacks and water quality protection measures sufficient to protect private and public drinking water supplies, source water protection areas, and fisheries;
- (d) The project maintains or restores hydrologic connections to maintain flows necessary to preserve adjacent wetland and riparian functions;
- (e) The project maintains existing fishery spawning, feeding, or cover habitat and fish passage necessary to maintain fishery or habitat or populations; and
- (f) The project maintains existing wetland-dependent wildlife habitat and its associated migratory pathways, reproductive sites, and associated wetland complex or wetland community system.

Effective December 24, 2019, Env-Wt 524.06(c) is cited and reads as follows:

Env-Wt 524.06 Classification of Residential and Commercial or Industrial Development Projects. ...

- (c) A project shall be a minor impact project if any of the following apply:
 - (1) Any single stream-crossing component of the project meets the requirements for minor impact classification specified in Env-Wt 903;
 - (2) The project is part of a new subdivision of 4 or more lots;
 - (3) Any single component of the project meets the requirements for minor impact classification specified in Env-Wt 407, Env-Wt 903, or this chapter; or
 - (4) No component of the project meets the requirements for major impact classification specified in Env-Wt 407, Env-Wt 903, or this chapter; and

Effective December 24, 2019, Env-Wt 526.03 intro and (h) are cited and read as follows:

Env-Wt 526.03 Application Requirements for Dam Projects. The project-specific information required by Env-Wt 310.01(c)(1) or Env-Wt 311.03(b)(11), as applicable, for a C/M/R project shall be as follows:

- (h) Plans prepared by a professional engineer showing the design, existing site conditions, and proposed site modifications in an overhead view and a cross-section of the dam for any C/M/R project that will result in:
 - (1) A new or reconstructed low, significant, or high hazard dam as those terms are defined in Env-Wr 100; or
 - (2) A significant expansion of an existing low, significant, or high hazard dam as those terms are defined in Env-Wr 100;

Effective December 24, 2019, Env-Wt 526.05(f)(3) is cited and reads as follows:

Env-Wt 526.05 Construction Requirements for Dam Projects.

- (f)... (3) If the DataCheck shows the presence of protected species or habitat, coordinate with NHB and NHF&G regarding the need for any additional species monitoring required before and during construction.

Effective December 24, 2019, Env-Wt 602.15 reads as follows:

Env-Wt 602.15 “Dune vegetation” means vegetation that is commonly found in sand dunes, including but not limited to Ammophila breviligulata (American Beach Grass), Honckenya peploides (Seabeach Sandwort), Artemisia stelleriana (Dusty Miller, Beach Wormwood), Chamaesyce polygonifolia (Seaside Spurge), Hudsonia tomentosa (Beach Heather), Hudsonia ericoides (Beach Heather), Lathyrus japonicus (Beach Pea), Morella pensylvanica (Bayberry), Prunus maritima (Beach Plum), Rosa rugosa (Salt Spray Rose), and Rosa virginiana (Virginia Rose).

Effective December 24, 2019, Env-Wt 901.03(a) is cited and reads as follows:

Env-Wt 901.03 Exemptions. ...

- (a) Minimum impact routine roadway maintenance activities conducted in accordance with Env-Wt 308.04 or Env-Wt 309.03;

Effective December 24, 2019, Env-Wt 902.14 reads as follows:

Env-Wt 902.14 “Grade control” means a structure, typically made of stone, wood, or concrete, that sits on the bed of a watercourse to prevent or arrest bed erosion by controlling the energy and velocity of water that passes over it.

Effective December 24, 2019, Env-Wt 903.01(e)(5) is cited and reads as follows:

Env-Wt 903.01 Classification of Stream Crossings and Stream Crossing Projects.

- (e)... (5) A tier 1 or tier 2 temporary crossing that meets all criteria of Env-Wt 904.07; or

APPENDIX A: STATE AND FEDERAL STATUTES, FEDERAL REGULATIONS IMPLEMENTED

Rule Section(s)	State Statutes Implemented	Federal Statutes, Regulations Implemented
Env-Wt 305.02; 306.02 intro; 307.08(a); 308.05(a)(2)a.; 308.07 heading; 309.01(b)(2) & (b)(3)c.; 309.02(i)(6); 309.03(c)(1); 309.04(c)(1); 309.05 [new]; 309.06 intro., (a) intro, (a)(9) & (18) - (20) [renumbered]; 309.07 intro, (a), (b)(1), (b)(6) & (f) - (i); 309.07 [renumbered]; 309.08(b) & (e) [renumbered]; 309.09(b) [renumbered]; 310.02; 310.05(a)(1); 310.07(a)(1);	RSA 482-A:1 - 4, 6, 8 - 34	Clean Water Act, 33 U.S.C. Ch. 26, Subchapter IV, § 1344 (Permits for Dredged or Fill Material); 33 CFR Parts 322 & 323; USACE Gen. Permit No. NAE-2016-02415

Rule Section(s)	State Statutes Implemented	Federal Statutes, Regulations Implemented
311.04 intro, (a)-(d), (f), & (g)(13); 311.05(a)(2) & (a)(20); 311.06(b) intro & (f)(1); 311.07(d); 311.08(a)(1)a.; 311.09(c) intro & (5); 311.10(a) intro & (b)(1); 311.11 intro & (d) - (g); 312.04(b)(1); 313.03(b)(9); 313.05(b); 314.06(b)(1); 315.02(b)(2); 315.03(b)(1); 315.05(b)(2) & (c)(1)		
Env-Wt 308.08(b)	RSA 482-A:1 - 4, 6, 8 - 34; RSA 483-B	Clean Water Act, 33 U.S.C. Ch. 26, Subchapter IV, § 1344 (Permits for Dredged or Fill Material); 33 CFR Parts 322 & 323; USACE Gen. Permit No. NAE-2016-02415
Env-Wt 310.01 intro, (a), (b)(1), (b)(7), & (f) - (i)	RSA 482-A:11, VI	Clean Water Act, 33 U.S.C. Ch. 26, Subchapter IV, § 1344 (Permits for Dredged or Fill Material); 33 CFR Parts 322 & 323; USACE Gen. Permit No. NAE-2016-02415
Env-Wt 406.01(d)(1) & (2); 406.06(c); 407.04(c)(3) Table 407-2	RSA 482-A:1 - 4, 6, 8 - 34	Clean Water Act, 33 U.S.C. Ch. 26, Subchapter IV, § 1344 (Permits for Dredged or Fill Material); 33 CFR Parts 322 & 323; USACE Gen. Permit No. NAE-2016-02415
Env-Wt 511.01(a)(3); 511.04(a), (c), (f) intro, & (g) intro; 511.06(c); 511.08(a)(1); 513.04(a)(1); 513.10(e); 514.03(c)(7); 514.05(e); 514.07(a)(2); 517.04(b); 518.07(a)(2) & (3); 520.05(a)(1)d., (b)(2), & (c)(1) & (2); 524.04; 524.06(c); 526.03 intro. & (h); 526.05(f)(3)	RSA 482-A:1 - 4, 6, 8 - 34; RSA 483-B; RSA 485-A; RSA 487; RSA 212-A	Clean Water Act, 33 U.S.C. Ch. 26, Subchapter IV, § 1344 (Permits for Dredged or Fill Material); 33 CFR Parts 322 & 323; USACE Gen. Permit No. NAE-2016-02415
Env-Wt 602.15	RSA 482-A:1 - 4, 6, 8 - 34; RSA 483-B; RSA 485-A; RSA 487; RSA 212-A	Clean Water Act, 33 U.S.C. Ch. 26, Subchapter IV, § 1344 (Permits for Dredged or Fill Material); 33 CFR Parts 322 & 323; USACE Gen. Permit No. NAE-2016-02415
Env-Wt 901.03(a); 902.14; 903.01(e)(5)	RSA 482-A:1 & 3; RSA 482-A:11	Clean Water Act, 33 U.S.C. Ch. 26, Subchapter IV, § 1344 (Permits for Dredged or Fill Material); 33 CFR Parts 322 & 323; USACE Gen. Permit No. NAE-2016-02415

APPENDIX B FOR ENV-WT 400: INCORPORATED REFERENCES (CORRECTIONS ONLY)

Rule	Title (Date)	Obtain from:
Env-Wt 406.01(d)(1)	Identifying and Documenting Vernal Pools in New Hampshire, 3 rd Ed. (2016)	NH Fish and Game Department 11 Hazen Drive Concord, NH 03301 Phone: (603) 271-3421 HQ Fax: (603) 271-5829 Available to download at no cost from: http://www.wildlife.state.nh.us/nongame/documents/vernal-pool-manual.pdf
Env-Wt 406.01(d)(2)	“Vernal Pool Assessment” draft guidance dated 9-10-2013 and form dated 9-6-2016, Appendix L of the USACE New England District Compensatory Mitigation Guidance	U.S Army Corps of Engineers New England District 696 Virginia Road Concord, MA 01742-2751 (978)318-8338 Available to download at no cost from: https://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/NEGP/VPAAssessmentDRAFT.pdf http://www.nae.usace.army.mil/portals/74/docs/regulatory/Mitigation/2016 New England Compensatory Mitigation_Guidance.pdf